

# Town of Nahant



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## <sup>1</sup>GENERAL GOVERNMENT BY-LAWS

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## GENERAL GOVERNMENT BY-LAWS

### ARTICLE 1

#### GENERAL PROVISIONS

SECTION 1. These by-laws shall be designated as "By-laws of the Town of Nahant".

SECTION 2. So far as the provisions of these by-laws are the same in effect as those of previously existing by-laws, they shall be construed as a continuation of such by-laws, but all other previously existing by-laws or portions thereof heretofore in force are hereby repealed. The repeal of a by-law heretofore adopted shall not affect any act done or any right accruing or accrued or established, or any action, suit or proceeding commenced in any civil case, or affect any punishment, penalty or forfeiture incurred under such a by-law.

SECTION 3. Words and phrases specifying or naming any officer or governmental body of the Town, shall be construed as including the lawful successor, or the person or persons having the powers and performing the duties of such officer or governmental body of the Town.

SECTION 4. When in any by-law anything is prohibited from being done without the license or permission of a certain officer or governmental body, the officer or governmental body shall have the power to license or permit such thing to be done.

SECTION 5. Whoever violates a provision of any by-law of the Town, shall, unless other provision is expressly made, be liable to a penalty not exceeding three hundred dollars for each offense. (Rev. 10-82)

SECTION 6. These by-laws may be amended at any Town Meeting, an article or articles for that purpose having been inserted in the warrant for such a meeting. (Rev. 4-29-95)

### ARTICLE II

#### TOWN MEETINGS

SECTION 1. The Annual Town Meeting shall be held on the last Saturday of April of each year. (Rev. 3-73)

SECTION 2. The Annual Town Meeting shall be called to order at 7:00 a.m. The polls shall be opened at 7:00 a.m. and shall remain open until 8:00 p.m. All business, except election of officers and the determination of such matters as by statute law are required to be elected or determined by official ballot, shall be considered at 12:30 p.m. For such consideration, a quorum of seventy-five (75) voters is required; however, a number less than the quorum may adjourn the meeting.

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SECTION 3. The warrant for all Town Meetings shall contain a statement of all subjects to be acted upon at the meeting. When an article is petitioned for by the legal number of voters, there shall be appended thereto the name of the first person signing said petition and the words, et al. All petitions for insertions of articles in the warrant for the Annual Town Meeting shall be filed with the Board of Selectmen on or before the thirty-first (31<sup>st</sup>) day of January.

- A. The proponent of an article for consideration in the warrant at a Town Meeting may submit a written summary of the reasons supporting the proposed warrant article. If the summary is three hundred (300) words or less, and is submitted before January 31 for an Annual Town Meeting, or eight (8) weeks prior to a Special Town Meeting, the Advisory and Finance Committee shall cause the summary to be printed in its Report to the Voters for the Town Meeting. The Advisory and Finance Committee shall have sole discretion with respect to printing in its report any summary, which is submitted, that is not within the size or time requirements of this paragraph, or which is frivolous, defamatory or obscene. (Rev. 2-92)  
Rev. 4-29-95

SECTION 4. No person whose name is not upon the voting list of the Town, or who does not present a proper certificate from the Board of Registrars of Voters, shall enter upon the floor of the hall during any meeting, except at the discretion of the Moderator, who may give him permission to speak. To ensure the foregoing, the Town Clerk shall employ clerks and check-off lists, similar to the procedure used in all elections. They shall be stationed at the several entrances. It shall be the duty of the police officers to enforce this by-law under the direction of the Moderator. (Rev. 1-77)

SECTION 5. After the Meeting is called to order, the Town Clerk shall read the call for the Meeting, the direction of the Selectmen to the Constable and the Constable's return of service.

SECTION 6. Articles of the warrant shall be acted upon in the order in which they appear, unless otherwise determined by the vote of the Meeting.

SECTION 7. Every motion shall be presented in writing when so requested by the Moderator.

SECTION 8. If a motion is susceptible of division, it shall be divided and the question shall be put separately upon each part thereof, if seven (7) voters so request.

SECTION 9. When a question is under debate, no motion shall be in order except to indefinitely postpone, to refer, to recommit, the previous question and to amend, which several motions shall have precedence in the order named. However, the Meeting may order that the vote on any motion shall be taken by a "yes" and "no" ballot furnished by <sup>2</sup>

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the Town Clerk if, on a motion so made, there shall be twenty-five (25) or more voters in <sup>3</sup>the affirmative, and a motion so to vote shall be in order at any time and shall take precedence over any motion or amendment before the house except a motion under Section 15 (formerly 15-A) of this article. A motion to refer, to recommit and the previous question shall be decided without debate. No person shall speak upon the same question more than twice or more than ten (10) minutes at any one time, if another person wishes to speak on the same question. (Rev. 4-29-95)

SECTION 10. Any person, who represents another interested in any matter under discussion, shall disclose the fact of such representation before speaking thereon.

SECTION 11. When a question is put, the sense of the Meeting shall be determined by voice of the voters, and the Moderator shall declare the vote as it appears to him. If the division of the house is called for by seven or more voters, the Moderator shall request all persons in the house to be seated and may appoint tellers. The question shall then be distinctly stated, and those voting in the affirmative and negative, respectively, shall rise and stand in their places until counted by the Moderator or tellers, if any. No person shall be counted who does not comply with the request to occupy a seat, if seats are available. If there are not available seats, those standing shall be counted separately by a show of hands.

SECTION 12. A vote on any appropriation specifically for salaries and wages of officers and employees of the Town shall be taken by a "yes" or "no" ballot.

SECTION 13. If the declaration of a vote taken by "yes" or "no" ballots is immediately questioned by seven (7) or more voters, the Moderator shall verify the vote by a recount of the said ballots.

SECTION 14. No vote shall be reconsidered unless notice that said motion will be made is given within fifteen (15) minutes after such vote is declared, and a motion to reconsider it is made and voted on at the same Meeting before any adjournment thereof. Such a motion, if defeated, shall not be renewed. (Rev 4-29-95)

SECTION 15 (formerly 15-A). A vote on the original motion, as and if amended, under any article in the warrant, shall be postponed to an adjourned meeting if, on a motion to so postpone, there shall be twenty-five (25) or more votes in the affirmative. Such motion to postpone shall take precedence over any pending motion to amend and shall not be subject to postponement or to amendment, nor shall the vote thereon be subject to reconsideration or decision except by unanimous consent. After such postponement is moved, the original motion under the warrant, as and if amended, shall not be opened to amendment except by acceptance of such amendment by the mover of the original motion nor shall any amendment, except by acceptance thereof by the mover of the prior amendment, provided nevertheless that if the vote on the said original motion, as and if amended, is postponed by the same procedure. The adjourned meeting shall be held on a day and hour to be appointed by the Moderator, but not more than ten (10) days after the

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final action on all articles in the warrant, other than those upon which the voting has been postponed under this section. At such meetings, voting shall be by ballot. The checklist shall be used and the polls shall remain open at least four (4) hours. The Moderator shall appoint ballot clerks and tellers who shall receive such compensation, as the Selectmen shall determine. The Town Clerk shall prepare ballots for use at such adjourned meeting and cause to be printed thereon in the original order, the articles of the warrant, voting upon which has been postponed as herein provided and under each article the original motion thereon as and if amended, and there under successively the unaccepted amendments, as and if amended, upon which voting has been postponed hereunder. Spaces on an official ballot shall be printed to the right of each motion and amendment, if any, so that each voter may record his vote by an "X" in a "yes" or "no" square. In the event that more than one of the original motions and amendments under the same article shall receive more than a majority of the votes in the affirmative under said article, that one which receives the most votes shall be deemed to be adopted. (Rev. 4-29-95)

SECTION 16. No motion, the effect of which shall be to dissolve the meeting, shall be in order until every article in the warrant therefore has been duly considered and acted upon, but this shall not preclude postponement of any article to an adjourned meeting at a stated time and place.

SECTION 17. As soon as possible after the adjournment of any Town Meeting, on a vote to adjourn to another day, the Town Clerk shall cause to be posted in the same manner as the warrants for the Town Meeting, a statement of the day and hour to which adjournment was voted and a brief statement of the business remaining to come before said adjourned meeting.

SECTION 18. Town Meetings shall be regulated according to the rules of parliamentary practice contained in "Robert's Rules of Order (revised)", so far as they are applicable and not inconsistent with law or with these by-laws.

SECTION 19. For consideration of all business to be conducted at a Special Town Meeting, a quorum of seventy-five (75) voters is required; however, a number less than the quorum may adjourn the meeting. (Rev 4-26-80)  
Rev. 4-29-95

### **ARTICLE III** DUTIES OF TOWN OFFICERS

SECTION 1. The Selectmen shall be agents of the Town to institute, prosecute, defend and compromise any and all claims, actions and proceedings on behalf of or against the Town, or in which the interests of the Town are or may be involved. The Selectmen shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided for by law or in these by-laws.

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SECTION 2. The Town Administrator shall annually appoint and employ a member of the bar in good standing as Town Counsel, who shall hold office for the term of one year and until his successor is appointed and enters upon the performance of his duties. The Town Administrator shall in like manner fill any vacancy in said office and may employ special counsel to assist the Town Counsel if and when, in their judgment, necessity therefore shall rise. During his term as Town Counsel, he shall not hold any other office. He shall attend to all legal matters arising with the performance of the duties of any officer, board or committee, subject to the approval of the Town Administrator. He shall make a written report to the Town Administrator concerning the services rendered by him during the year, which shall be printed in the Annual Town Report.

SECTION 3. The Board of Assessors shall assign numbers to all buildings or parts thereof on or near the line of public or private ways within the Town, and a list of such numbers shall at all times be on file or in the office. Every occupant or owner of such building shall cause to be displayed upon some suitable portion thereof, facing such street or way, the proper street number of said building. No number other than the one shown on the list on file in the Assessor's office shall be displayed on any such building or part thereof.

## ARTICLE IV FINANCIAL AFFAIRS

SECTION 1. An audit of the accounts of the Town shall be made annually.

SECTION 2. The Town Accountant shall prescribe the methods of accounting and the forms to be used by the officers, boards and committees of the Town pertaining to their receipts and disbursements, and shall provide that such methods and forms shall conform to the requirements prescribed by law or any rules or regulations thereunder.

SECTION 3. If it shall seem advisable to the Town Collector that suit shall be instituted on any account due to the Town, except a tax account, he shall notify the Town Administrator, and he shall report to him from time to time, as he may direct, upon all uncollected accounts in his hands. The Town Administrator shall take such action with respect to all such accounts, as he deems prudent and consistent with the interests of the Town.

SECTION 4. The Town Collector shall, at least once in each week, pay over to the Town Treasurer all money received by him on every account, including any such sums received as interest on monies received by him on such accounts and deposited in any bank.

SECTION 5. Except as otherwise provided by law, the Treasurer shall have custody of bonds and other similar documents owned by the Town, except that the bonds given by the Treasurer and Collector of the Town shall be in the custody of the Town Administrator.

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SECTION 6. Every officer of the Town, whether elected or appointed, shall be required to transmit to the Town Treasurer a list, description and payment of all monies received by any such officer by virtue of this office, except as otherwise provided by law. The aforesaid shall be completed within thirty (30) days of receipt of any such monies.

#### SECTION 7.

- A. The Town Collector shall annually furnish to each department, board or committee hereinafter referred to as the licensing authority that issues licenses or permits, including renewals and transfers, a list of each person, corporation or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, for not less than a twelve (12)-month period, and that such party has not filed in good faith a pending application for abatement of such tax or fee, or a pending petition before the Appellate Tax Board.
- B. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Town Collector; provided, however, that written notice is given to the party and the Town Collector, as required by applicable provisions of law, is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Town Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension, shall be made only for the purposes of such proceeding and shall not be relevant to nor introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be re-issued or renewed until the licensing authority receives a certificate issued by the Town Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or municipal charges payable to the municipality as of the date of the issuance of said certificate.
- C. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating such limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- D. The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its
- E. officers or stockholders, if any, or members of his immediate family, as defined in Section 1 of Chapter 268 of the Massachusetts General Laws in the business of activity conducted in or on said property. (Rev. 4-26-86)

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## **ARTICLE V** **RECORDS AND REPORTS**

SECTION 1. All officers and governmental bodies of the Town shall cause records of their doings to be kept in suitable books. Said books shall, unless otherwise provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under supervision of the officer or governmental body having custody thereof.

SECTION 2. All officers and governmental bodies of the Town shall annually report thereon in writing in such manner as to give the citizens a fair and full understanding of the objects and methods of such activities, and make therein such recommendations, as they deem proper. Such reports shall be submitted to the Selectmen for inclusion in the Annual Town Report on or before the first day of February each year. (Rev 1-77)

SECTION 3. The annual report shall contain, in addition to the reports of officers and governmental bodies as herein before provided, the following financial reports:

- A. The amounts appropriated and the amounts expended from each appropriation for the preceding fiscal year, the amounts appropriated for the current fiscal year and the amounts expended from such appropriations during the first six months of such year and the amounts estimated to be expended from such appropriations during the second six months of such year, as required by Chapter 41, Section 60 of General Laws.
- B. List of payments made from the proceeds of loans as capital outlays for permanent improvement for the preceding fiscal year.
- C. Report of the collection of taxes, including all receipts, payments and abatements for the preceding fiscal year.
- D. Statement of all funds belonging to the Town or held for the benefit of its inhabitants for the preceding fiscal year.
- E. A statement of the liabilities of the Town on bonds, notes, certificates of indebtedness or otherwise and of indebtedness authorized but not incurred, and the purpose thereof, all for the preceding fiscal year.
- F. A statement of transfers made to or from any appropriation for the preceding fiscal year. In addition, the report shall include abstracts of the records of the meetings of the Town held since publication of the last Annual Report, a copy of the Warrant for the next Annual Town Meeting, and such matters as the said report is required by law to contain, or as may be inserted by the Selectmen under the discretion granted them by law. The annual report shall be printed and a copy made available to every voter at least seven (7) days before the Annual Town Meeting.
- G. A list of all parcels of land sold by it, together with a description of the location, the square foot area of each parcel, the name and address of each purchaser, the amount of money for which each parcel was sold, and the assessed valuation and the amount of outstanding taxes of each parcel at the time of foreclosure by the Town.

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SECTION 4. Any officer and governmental body adopting rules and/or regulations shall deliver a copy of same together with the effective date to the Town Clerk within ten (10) days after they take effect.

SECTION 5. The Town Clerk shall cause to be printed in a form suitable for insertion in the loose-leaf by-law binder all by-laws and standing votes of the Town and the rules and/or regulations adopted by any officer and governmental body. The printing shall be accomplished within ninety (90)-days of the effective date of said by-laws, votes or rules and/or regulations. The expense associated with said printing shall be paid from the Town Clerk's expense appropriation.

SECTION 6. The public records of all governmental bodies and Town officials shall be kept in the Town Hall, except for the following: records of the School Committee shall be kept in the offices of the school administrators and records of the Library Trustees shall be kept in the library. It shall be the responsibility of the Board of Selectmen to provide the proper storage space and facilities within the Town Hall, as requested by the various bodies and officials. It shall be the responsibility of the Town Clerk to know and maintain a record of the location of all storage areas and containers, their general contents and the body of officials to whom assigned.

## ARTICLE VI APPOINTED COMMITTEES AND COMMISSIONS

### SECTION 1. Notification of appointment

The Town Clerk shall notify, in writing, all committees that may be appointed at any Town Meeting and the nature of the business upon which they are expected to act, and shall notify the chairmen of committees of votes of the Town pertaining to their respective committees.

### SECTION 2. Advisory and Finance Committee

- A. An election or appointment to Town office or employment by the Town shall terminate membership on said committee.
- B. The Moderator of every Annual Town Meeting shall, after the declaration of the vote for Town Officers, appoint three (3) voters to be members of the Advisory and Finance Committee for the term of three (3) years from the adjournment of the Annual Town Meeting of that year. All vacancies shall be filled by the Moderator for the remainder of the unexpired term, by an appointment in writing sent to the Town Clerk. The term of office of out-going members shall expire coincidentally with the adjournment of the Annual Town Meeting.
- C. The Advisory and Finance Committee shall, promptly after the adjournment of the Annual Town Meeting in each year, meet, organize by the choice of a chairman and a secretary, who shall notify the Town Clerk of such choice and thereafter shall meet from time to time at the call of the chairman or any three (3) members thereof.
- D. The Advisory and Finance Committee shall inform themselves concerning those affairs and interests of the Town, the subject matter of which generally is included in the warrants of its Town Meetings, and may consider any and all municipal questions affecting Town government

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and the conduct of Town affairs, for the purpose of making reports and recommendations thereon to the Town.

- E. It shall be the duty of the Selectmen, immediately after a warrant is drawn, to send a copy thereof to each member of the Advisory and Finance Committee and this committee shall consider the various articles therein and shall cause to be delivered, by mail or otherwise, a copy of each article in the warrant with their recommendations appended thereon, to every household in which there resides a registered voter in the Town, not less than seven (7) days before the date of the meeting.

(Rev.4-2009)

- F. In the performance of their duties, the Advisory and Finance Committee shall have access to all books, vouchers and other documents and papers belonging to the Town and it shall be the duty of all Town officers, employees and committees to furnish, on request from said committee, through its chairman, all the information they possess relating to any matter properly under their consideration.

(Rev. 1-77)

#### SECTION 3. Insurance Committee

- A. The Insurance Committee shall consist of three (3) members. To the extent possible, each of the persons appointed to the committee shall be knowledgeable and experienced in specifying and procuring insurance coverages.
- B. The Moderator of every Annual Town Meeting shall, after the declaration of the vote for Town officers, appoint one voter to be a member of the Insurance Committee for a term of three (3) years from the adjournment of the Annual Town Meeting of that year. All vacancies shall be filled by the Moderator for the remainder of the unexpired term, by an appointment in writing sent to the Town Clerk. The term of office of out-going members shall expire coincidentally with the adjournment of the Annual Town Meeting.
- C. It shall be the duty of the Selectmen to furnish the Insurance Committee with the replacement value of all Town properties. The Selectmen shall also notify the Insurance Committee immediately upon the subsequent acquisition or disposition of any properties.
- D. It shall be the duty of the Insurance Committee, no less than annually, to investigate and consider all insurance needs of the Town, including but not limited to fire, theft, vandalism, property damage, general, automobile and personal liability, and employee health and disability insurance and to report in writing its recommendations as to coverages and deductibles to the Board of Selectmen. (Rev. 10-82)

#### SECTION 4. Memorial Day and Fourth and July Committees

- A. The Memorial Day Committee shall consist of nine (9) or more members and the Fourth of July Committee shall consist of twelve (12) or more members, appointed as hereinafter provided. A chairman of each committee shall be appointed by the members of the respective committees.
- B. The Moderator of every Annual Town Meeting shall appoint three (3) or more voters to be members of the Memorial Day Committee and four (4) or more voters to be members of the

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Fourth of July Committee for a term of three (3) years from the adjournment of the Annual Town Meeting of that year. All vacancies shall be filled by the Moderator for the remainder of the unexpired term, by an appointment in writing sent to the Town Clerk. The term of office of out-going members shall expire coincidentally with the adjournment of the Annual Town Meeting.

- C. It shall be the duty of the Memorial Day Committee to plan and administer a program for the proper observance of Memorial Day, and the Fourth of July Committee to plan and administer a program for the proper observance of the Fourth of July.

#### SECTION 5. Public Recreation Commission

- A. The Moderator shall appoint a Public Recreation Commission of five (5) members, for the purpose of conducting and promoting recreation, play, sport and physical education. One (1) member shall serve for one (1) year, two (2) members for two (2) years and two (2) members for three (3) years, and thereafter each member shall serve for three (3) years.
- B. Immediately after their appointment, they shall meet and organize by electing one of their members chairman, and from their own membership appoint such other officers as may be necessary.
- C. The Recreation Commission shall conduct and supervise public playgrounds, playfields, indoor recreation centers and other recreation areas and facilities on properties under its control and on other public properties with the consent of the authorities thereof. It shall have the power to conduct any form of recreation or cultural activity that will employ the leisure time of the people in a constructive and wholesome manner.
- D. The Recreation Commission shall submit a budget to the Town for approval by the Town Meeting. The Committee may accept any gifts or bequests of money or other personal property or any donation to be applied, principal or income, for their respective uses.

#### SECTION 6. Youth Commission

- A. The Selectmen shall appoint a Youth Commission of five (5) members for the purpose of carrying out programs, which may be designated or established to meet the opportunities, challenges and problems of the youth of the Town of Nahant. One (1) member shall serve for one (1) year, two (2) members for two (2) years and two (2) members for three (3) years. Thereafter, each member shall serve for three (3) years without pay. The commission membership shall, if feasible, include a member of the clergy, an attorney-at-law and a representative of the young people.
- B. Immediately after their appointment, they shall meet and organize by electing one of their members chairman, and from their own membership, appoint such other officers, as they may deem necessary. The Commission shall meet regularly.
- C. The Commission shall function in conjunction with any similar or related programs of any agency of the Town, the Commonwealth or any agency of the federal government. The Commission shall have the power to adopt reasonable rules and regulations for the proper conduct of any activities within its jurisdiction.

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- D. The Youth Commission shall have the power to appoint and/or designate, from time to time, individuals, other than members of the Commission, to carry out the Commission's purposes.
- E. Annually, the Youth Commission may submit a budget to the Town for approval by the Town Meeting. The Commission may receive gifts of property, both real and personal, in the name of the Town, subject to the approval of the Board of Selectmen.

#### SECTION 7. Council on Aging

- A. The Selectmen shall appoint a Council on Aging, consisting of nine (9) members, for the purpose of which may be designated or established to meet the problems and/or requirements of the elderly population of the Town of Nahant. Three (3) members shall serve for one (1) year, three (3) members shall serve for two (2) years and three (3) members shall serve for three (3) years, and thereafter, each shall serve for three (3) years.
- B. They shall meet and organize by electing one of their members chairman and from their own membership may appoint such other officers as they deem necessary. The council shall meet regularly.
- C. The Council shall function in conjunction with any similar or related programs of any agency of the Town, the Commonwealth, or any agency of the federal government. The Council shall have the power to adopt reasonable rules and regulations for the proper conduct of any activity within its jurisdiction.
- D. Annually, the Council on Aging may submit a budget to the Town for approval by the Town Meeting. The Council may receive gifts of property, both real and personal, in the name of the Town, subject to the approval of the Board of Selectmen, such gifts to be managed and controlled by the Council on Aging for the purpose of this by-law. (Rev. 3-73)

#### SECTION 8. Capital Program Committee

- A. A committee, to be known as the Capital Program Committee, is hereby established under M.G.L., Ch. 41, Sect. 106B, composed of two (2) members of the Advisory and Finance Committee, appointed by it, and four (4) additional members to be appointed by the Moderator. The members from the Advisory and Finance Committee shall be appointed for one (1) year terms. The other members shall be appointed for four (4) year terms, such that one shall expire each year. None shall be a Town officer or Town employee. The Town Accountant shall be ex-officio member without the right to vote. A member who ceases to reside in the Town or who accepts employment for it shall resign. A vacancy shall be filled for the unexpired term in the manner of the original appointment. The committee shall choose its own officers. It may spend such sums as shall annually be appropriated for its use.
- B. The committee shall study proposed capital out-lays involving the acquisition of land or an expenditure of \$20,000, having a useful life of at least five (5) years. All officers, board members and committees, including the Selectmen and the School Committee shall, by September 1<sup>st</sup> of each year, give to said committee, on forms prepared by it, information concerning all project anticipated by them to need Town Meeting action during the ensuing six (6) years. The Committee shall consider the relative need, timing and cost of these

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expenditures and the effect each will have on the financial position of the Town. No expenditure shall be voted for a capital outlay, which is not reflected in the committee's report, unless that committee shall first have submitted a report explaining the omission. Notwithstanding for the foregoing, nothing shall limit the authority of the Board of Selectmen or School Committee to offer a warrant article at any Annual or Special Town Meeting, or right of the Town to vote such an appropriation.

- C. The committee shall transmit its recommendations to the appropriate office, board, agency or department involved in the proposed capital improvement. These shall constitute a capital improvement program. The report of this program shall, as to items planned for the ensuing fiscal year, be given to the Advisory and Finance Committee by February 1<sup>st</sup> of each year for its review and possible inclusion in the budget. The text and tables of a capital program for the following five (5) years shall be published with the Advisory and Finance Committee report.
- D. Such capital program shall be presented to the Annual Town Meeting for acceptance in principle, subject to final action of a subsequent meeting or meetings. The original shall be deposited with the Town Clerk. (Rev. 8-89)

#### SECTION 9. Harbor and Marine Advisory Committee

- A. The Harbor and Marine Advisory Committee shall consist of five (5) voters. All shall serve without pay. In addition, the Harbormaster and Wharfinger shall serve as ex officio members, but may not vote or hold office.
- B. Following the Town Meeting that enacts this section, the Moderator and Selectmen, jointly, shall appoint one (1) member for one (1) year, two (2) members for two (2) years and two (2) members for three (3) years. Thereafter, the Moderator and the Selectmen, jointly, shall make appointments for three (3) year terms, such terms to commence on the first day of May in that year.
- C. The Moderator and the Selectmen shall fill any vacancy on the committee, jointly, for the remainder of the unexpired term by an appointment in writing sent to the Town Clerk, the chairman and the appointee. A vacancy shall be declared if a member fails to attend three (3) successive meetings without communicating with the chairman or secretary.
- D. Immediately after their appointment, they shall organize by electing a chairman, a secretary and other officers, as they deem necessary. The committee shall meet at least quarterly for the conduct of business.
- E. The Harbor and Marine Advisory Committee shall inform themselves concerning those affairs, interests and activities relating to the beaches, harbor wharf area and waters surrounding the Town for the purpose of making recommendations and reports thereon to the Town or any of its agencies or officials. Further, they shall develop and continually update a master plan for the maintenance, improvement and public use of the beaches, harbor, wharf area and surrounding waters.
- F. The committee shall keep accurate records of its meetings and actions and shall file an annual report with the Board of Selectmen for insertion in the Annual Town Report.

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G. Annually, the committee may submit a budget to the Town for approval by the Town Meeting (Rev. 4-84 and 4-89)

### **ARTICLE VII** **PRIVATE WAYS**

SECTION 1. The Board of Selectmen may, subject to appropriation and to the Board's determination that such repairs are required by public necessity, direct such repairs to private ways as are allowed by General Laws, Chapter 40, Section 6N to be made, including, without limiting, the foregoing, the paving and repaving of bituminous concrete and other surfaces of said ways and the improvement of surface drainage therefrom. No abutters on said ways need petition of such repairs, nor shall there be any requirement that said ways have been open to the public for any period of time. No betterment assessments shall be charged for said repairs, nor shall any cash deposit be required for same. In the event that any damages, of whatever type or description, are caused by such repairs, the liability of the Town therefore shall be one dollar (\$1.00). (Rev 4-79) (Rev. 4-97)

## Town of Nahant



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### STATUTES ACCEPTED BY THE TOWN

Gen. Laws, Ch. 152, Sect. 69 "An act to provide for compensating laborers, workmen and mechanics for injuries sustained in public employment, and to exempt from legal liability counties and municipal corporations which pay such compensation" Accepted March 21, 1914

Gen. Laws, Ch. 136, Sects. 7 & 8 "An act relative to the sale of ice cream confectionery, said water and fruit on the Lord's Day" Accepted March 21, 1914

Gen. Laws, Ch. 31, Sect. 48 "Of the Civil Service" Accepted July 29, 1915 by vote limiting its provisions to the police force

Rev. Laws, Ch. 31, Sect. 12 "Of the State Fire Marshal, Fires, Fire Departments and Fire Districts" Accepted July 29, 1915

Gen. Laws, Ch. 82, Sects. 25 & 3\_ "Of the laying out and discontinuance of ways and of damages caused by the taking of land for public use" Accepted July 29, 1915

Rev. Laws, Ch. 49, Sects. 1, 2, 5, 9-14 incl., 16-23 incl., 26, 29-43 incl. & 45 "Of sewers drains and sidewalks" Accepted July 29, 1915 (See, however, Gen. Laws, Ch. 83, Sect. 12 particularly)

Rev. Laws, Ch. 50, Sects. 1-9 incl. "Of betterments and other assessments on account of the cost of public improvements" Accepted July 29, 1915

Gen. Laws, Ch. 139, Sects. 1, 2, 3 "Of common nuisances" Accepted July 29, 1915

Gen. Laws, Ch. 41, Sect. 73 "An act to authorize the establishment of Boards of Survey in Towns" Accepted July 29, 1915

Acts of 1908, Ch. 209 "An act for the protection of forest and sprout lands from fire" Accepted July 29, 1915 (superceded by Gen. Laws, Ch. 48, Sects. 13 & 15)

Gen. Laws, Ch. 145 "An act relative to tenement houses in Towns" Accepted July 29, 1915

Gen. Laws, Ch. 149, Sect. 31 "An act providing for an eight-hour day for Town labor" Accepted March 18, 1916

Acts of 1916, Ch. 293 "An act to authorize the licensing by cities and towns of motor vehicles carrying passengers for hire" Accepted June 28, 1916 (superceded by Gen. Laws, Ch. 159, Sects. 45 & 49 incl., which were since repealed)

Special Act, 1917, Ch. 241 "An act to authorize the Town of Nahant to construct and operate an addition system of sewers" Accepted July 31, 1919

Gen. Laws, Ch. 136, Sect. 4 "Observance of the Lord's Day" Accepted July 27, 1921

Gen. Laws, Ch. 143, Sects. 3 & 6-12 incl. "Inspection, Regulation and Licenses for Buildings, Elevators and Cinematographs" Accepted July 27, 1921

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- Gen. Laws, Ch. 32, Sect 84 "Pensions for policemen and firemen" Accepted March 18, 1922
- Gen. Laws, Ch. 41, Sect 97 "Of police departments" Accepted March 18, 1922
- Gen. Laws, Ch. 111, Sect. 126 "Public Health" Accepted March 18, 1922
- Gen. Laws, Ch. 142, Sects. 1, 3, 6, 7, 11-16 incl. "Supervision of Plumbing" Accepted March 18, 1922
- Gen. Laws, Ch. 148 "Fire Prevention" Accepted March 18, 1922
- Gen. Law, Ch. 149, Sect. 30 "Eight-hour day and forty-eight hour week for certain public employees" Accepted March 18, 1922
- Gen. Laws, Ch. 40, Sects. 42A, 42B, 42C, 42D, 42E & 42F "An act relative to the collection of water rates" Accepted June 7, 1924
- Gen. Laws, Ch. 41, Sect. 55 "Appointment of Town Accountant" Accepted June 7, 1924
- Gen. Laws, Ch. 152 "The Workmen's Compensation" Accepted August 15, 1924
- Gen. Laws, Ch. 31, Sect. 48 "Civil Service", insofar as it applies to the permanent fire force" Accepted January 22, 1931
- Gen. Laws, Ch. 41, Sect. 111A "Vacation for firemen and police" Accepted March 16, 1935
- Gen. Laws, Ch. 41, Sect. 81A (as amended by Ch. 211 of 1936) "Establishing a Planning Board" Accepted March 19, 1938
- Gen. Laws, Ch. 41-I "Appeals Board" Accepted March 16, 1940
- Gen. Laws, Ch. 40, Sect. 6A "Appropriations for advertising Town resources, etc." Accepted March 18, 1944
- Gen. Laws, Ch. 85, Sect. 11A "Registration and operation of certain bicycles" Accepted March 18, 1944
- Gen. Laws, Ch. 41, Sect. 111 "Vacation for certain municipal employees" Accepted November 7, 1944
- Gen. Laws, Ch. 32 "Contributory retirement pensions" Accepted November 5, 1946
- Gen. Laws, Ch. 40, Sect. 40 "Removal of snow and ice from private ways" Accepted March 20, 1947
- Gen. Laws, Ch. 149, Sect. 33A "Forty-hour week for employees (except janitors)" Accepted March 20, 1947
- Gen. Laws, Ch. 147, Sect. 16B "Providing one day off in six for policemen" Accepted March 20, 1948
- Gen. Laws, Ch. 44, Sect. 65 "Advances of vacation pay" Accepted March 20, 1948

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Gen. Laws, Ch. 41, Sect. 110A "Closing of public offices on Saturdays (June, July, August)" Accepted March 20, 1948

Gen. Laws, Ch. 41, Sect. 38A, as amended "Tax Collector empowered to collect accounts due" Accepted March 19, 1949

Ch. 244, Acts of 1949 (Special Act) "An act authorizing Selectmen of the Town of Nahant to act as a Board of Public Works" Accepted June 11, 1949

Gen. Laws, Ch. 166, Sect. 32 "Appointment of Inspector of Wiring" Accepted March 18, 1950

Gen. Laws, Ch. 32, Sect. 89A "Annuities to dependents of public employees killed or dying from injuries received in the performance of their duties" Accepted March 17, 1951

Gen. Laws, Ch. 32, Sect. 5 "Increase in amounts of pensions" Accepted March 17, 1951

Gen. Laws, Ch. 48, Sect. 51A "Providing for gas masks for fire department" Accepted March 17, 1951

Acts of 1951, Ch. 781 "Increase in amount of pensions" Accepted March 15, 1952

Gen. Laws, Ch. 48, Sects. 43 & 44 "Establishing a fire department" Accepted March 15, 1952

Acts of 1952, Ch. 624 "Increase in amounts of pensions" Accepted March 21, 1953

Acts of 1953, Ch. 37 (Special Act) "Provides for five-day week for members of the Nahant Police Department" Accepted March 21, 1953

Acts of 1953, Ch. 670 "Increases in pensions and annuities provided under Gen. Laws, Ch. 32, Sect. 12" Accepted March 17, 1956

Gen. Laws, Ch. 40A, Sect. 20 "Prohibits reconsideration of zoning petitions and appeals for two years, unless unanimously consented to by the Planning Board" Accepted March 17, 1956

Gen. Laws, Ch. 32B "Authorizes the Town to provide insurance for its employees" Accepted March 17, 1956

Acts of 1957, Ch. 427 "Increases in pensions for firemen and policemen, provided under Gen. Laws, Ch. 32, Sect. 85A" Accepted July 22, 1957

Gen. Laws, Ch. 41, Sects. 81K-81GG "Revised rules and regulations governing sub-division of land" Accepted 1958

Gen. Laws, Ch. 40, Sect. 8C "Establishes Conservation Commission" Accepted March 21, 1959

Gen. Laws, Ch. 41, Sect. 111A "Relative to granting of vacations for members of the regular or permanent police and fire forces in certain cities and towns" Accepted March 21, 1959

Gen. Laws, Ch. 41, Sect. 111G "Providing additional vacations for Town employees with longevity" Accepted March 19, 1960

## Town of Nahant



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Gen. Laws, Ch. 40, Sect. 6G "Repairs to Private Ways" Accepted March 16, 1960

Gen. Laws, Ch. 32B, Sect. 9A "Authorizes the Town to pay one-half the premium costs for employee insurance" Accepted March 19, 1960

Acts of 1960, Ch. 647 "Changes in pension and retirement allowances under Gen. Laws, Ch. 32, Sect. 5" Accepted March 25, 1961

Gen. Laws, Ch. 152, Sect. 69 "Provides workmen's compensation for certain Town employees" Accepted March 25, 1961

Gen. Laws, Ch. 40, Sect. 6H "Provides for appropriation of monies for repairs to private ways" Accepted March 20, 1962

Gen. Laws, Ch. 40, Sect. 22D "Authorizes Towns to remove illegally parked vehicles at owners' expense" Accepted March 20, 1962

Acts of 1961, Ch. 552 "Authorizes increases in widow's benefits payable under Gen. Laws, Ch. 32, Sect. 12" Accepted March 20, 1962

Acts of 1963, Ch. 478 "Authorizes increases in pensions and retirement allowances payable under Gen. Laws, Ch. 32, Sect. 5" Accepted March 23, 1964

Gen. Laws, Ch. 90, Sect. 20A "Provides for non-criminal disposition of certain parking violations" Accepted March 23, 1964

Gen. Laws, Ch. 90, Sect. 18A "Authorizes Selectmen to make rules governing use of ways by pedestrians" Accepted March 22, 1965

Gen. Laws, Ch. 41, Sect. 100D "Authorizes indemnification of officers and employees for damages incurred or settlement of claims for injuries arising out of operation of municipally-owned vehicles" Accepted March 22, 1965

Gen. Laws, Ch. 148, Sect. 56 "Requires operator of open-air parking lot to obtain license from Selectmen after approval by fire chief" Accepted March 19, 1966

Gen. Laws, Ch. 147, Sect. 21A "Authorizes Town to employ police cadets" Accepted March 16, 1968

Acts of 1966, Ch. 117 "Provides for adjustments in pensions for firemen and policemen under Gen. Laws, Ch. 32, Sect. 85E" Accepted March 16, 1968

Gen. Laws, Ch. 262, Sect. 63C "Provides for compensating time off for police officers who attend court as witnesses in criminal cases during time off " Accepted March 16, 1968

Gen. Laws, Ch. 90, Sect. 20C "Parking regulations, notices, appearances, fines, proceedings, not criminal" Accepted March 21, 1970

Acts of 1971, Ch. 321 (Special Act) "Revocation of acceptance of Ch. 635, Acts of 1912, Tenement Act" Accepted March 18, 1972

## Town of Nahant



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Gen. Laws, Ch. 48, Sect. 58D "Provides for forty-two hour work week for permanent members of the fire department" Accepted March 18, 1972

Gen. Laws, Ch. 32B, Sect. 9F "Raises insurance payments by Town to \$2,000" Accepted April 27, 1974

Acts of 1975 (Special Act) "Provides for exemption of police department from Civil Service" Accepted April 29, 1975

Gen. Laws, Ch. 40, Sect. 6J "Provides for purchase of storm and work clothes for Town employees" Accepted April 24, 1976

Gen. Laws, Ch. 40, Sect. 6L "Provides for lease or rental of storm and work clothes for Town employees" Accepted April 24, 1976

Gen. Laws, Ch. 40, Sect. 8D "Provides for establishing a Historical Commission" Accepted April 24, 1976

Gen. Laws, Ch. 130, Sect. 8A "Provides regular police officers with certain powers of coastal wardens" Accepted April 30, 1977

Acts of 1975, Ch. 808, State Zoning By-law Accepted April 29, 1978

Gen. Laws, Ch. 62, Acts of 1980 "Authorizes Town to construct pumping station and sewer lines on Lowland Playground" Accepted April 26, 1980

Gen. Laws, Ch. 40, Sect. 4G "Changes bidding requirements" Accepted April 25, 1981

Gen. Laws, Ch. 258, Sect. 13 "Provides indemnification for municipal officers" Accepted April 25, 1981

Acts of 1981, Ch. 743 "Adds clause 17C to Ch. 59, Sect. 5, allowing real estate exemptions for certain persons" Accepted April 24, 1982

Gen. Laws, Ch. 83, Sects. 16A-16F "Permits the Town to impose a lien on real estate for unpaid sewer use taxes" Accepted April 30, 1983

Gen. Laws, Ch. 44, Sect. 53E "Which act allows Town boards, etc., appropriations to be off-set by charging 'user fees'" Accepted November 21, 1983

Acts of 1982, Ch. 653 "Adds clause 41B to Section 5 of Ch. 59, allowing real estate tax exemptions for certain elderly persons" Accepted April 28, 1984

Acts of 1982, Ch. 597 "Which act amends Ch. 60A, Sect. 1, to provide motor vehicle excise tax exemptions for former prisoners of war" Accepted June 25, 1984

Acts of 1985, Ch. 188, Sect. 13 "Which act provides for the Town to participate in a professional grant program for supplementing teacher compensation" Accepted October 29, 1985

Chapter 140, Sect. 147A, MGL, as amended by Ch. 308, Acts of 1985, removing Town from County Dog System.

## Town of Nahant



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Accepted April 26, 1986

Gen. Laws, Ch. 32B, Sect. 16 "Makes services of a health care organization, with the approval of the Selectmen, available to certain employees"  
Accepted July 24, 1986

Gen. Laws, Ch. 59, Sect. 5, Cl. 5a "Allows real estate tax exemption for incorporated veterans organizations" Accepted April 25, 1987

Gen. Laws, Ch. 59, Sect. 5, Cl. 17d "Allows real estate tax exemptions for surviving spouses, etc."  
Accepted April 25, 1987

Gen. Laws, Ch. 59, Sect. 5, Cl. 37a "Allows real estate tax exemptions for certain blind persons" Accepted April 25, 1987

Gen. Laws, Ch. 59, Sect. 5, Cl. 41c "Allows real estate tax exemptions for certain elderly persons"  
Accepted April 25, 1987

Gen. Laws, Ch. 59, Sect. 57a "Allows for single-payment tax billing for those with real estate and personal property tax bills of \$25 or less" Accepted April 25, 1987

Gen. Laws, Ch. 59, Clause 5a "Allows real estate and personal property tax exemption for incorporated veterans' organizations" Accepted April 25, 1987

Acts of 1986, Ch. 194 "Establishes a scholarship fund and allows taxpayers to designate a portion of the real estate or motor vehicle tax bill to be contributed to said fund" Accepted June 22, 1987

Acts of 1987, Ch. 402 "Allows the Tax Collector to issue a single bill for the full amount of the real estate and person property tax bill of \$50 or less" Accepted April 29, 1989

Acts of 1989, Ch. 653, Sect. 40 "Regarding re-assessment date changes for new growth" Accepted April 28, 1990

Gen. Laws, Ch. 30B "Uniform Procurement Act" "Raises to \$10,000 the minimum threshold for competitive bidding" Accepted April 28, 1990

Chapter 291 of the Acts of 1990 allows the Town of Nahant to receive enhanced 911 emergency service  
Accepted April 27, 1991

Gen. Laws, Ch. 59, Sect. 5, Clause 41A, tax deferral exemption increased to \$40,000 Accepted 25, 1992

Gen. Laws, Ch. 40, Sect. 58 "Permitting the Town to impose a lien on real property for unpaid water and sewer charges or fees" Accepted June 8, 1992

Gen. Laws, Ch. 44, Sect. 53 ½ to create a special revolving account for receiving certain cemetery fees  
Accepted April 27, 1996 (re-accepted each year at the Annual Town Meeting)

Gen. Laws, Ch.32B, Sect. 18 "Relating to Medicare and Medicare supplement plans for Town retirees,  
Accepted April 26,1997

## Town of Nahant



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Clause 17 D (Chapter 181, Section of the Acts of 1995) by 100% of the preceding year's Consumer Price Index (CPT),  
Accepted April 26 1997

Clause 17D (Chapter 181, Section 1 of the Acts of 1995) for fiscal year 2001, by 100% of the preceding year's Consumer Price Index (CPI). Increase the exemption amount granted to certain elderly citizens and surviving spouses and minors.  
Accepted April 28, 2000

Clause 17D (Chapter 181, Section 1 of the Acts of 1995) for fiscal years 1998, 1999 and 2000, which were granted by 100% of the preceding year's Consumer Price Index (CPI) increase granted for an exemption to certain elderly citizens and surviving spouse and minors. Accepted April 28, 2000

Gen. Laws Chapter 41, Sect. 108L, otherwise known as the Quinn Bill that provides educational incentives for police for further education in "the field of law enforcement"  
Accepted April 28, 2001

Gen. Laws Chapter 32, Sect. 85H (disability retirement of call or volunteer firefighters and reserve police officers),  
Accepted April 28, 2001

Gen. Laws Chapter 59, Sect. 5K . (Which allows senior citizens to work part time for the Town and be paid equivalent tax dollars to a maximum of (\$500.00) dollars.  
Accepted April 28, 2001

Gen. Laws Chapter 44, Sect. 53D thereby establishing parks and recreation revolving accounts.  
Accepted April 27, 2002

Gen. Laws Chapter 59, Sect. 5 Clause 41C property tax exemption to take effect for fiscal year 2005, to adjust (1) age, income and asset requirements seniors must meet to qualify for the exemption and (2) the amount of the exemption granted to an eligible senior.  
Accepted 24, 2004

Gen. Laws Chapter 40, Sect. 8G, as amended commonly known as the Mutual Police Aid Program Agreement.  
Accepted 24, 2004

Gen. Laws Chapter 44B Sections 3-7  
Accepted by a Yes vote 374

Gen Laws, Chapter 44, Sect. 53F, 1/2 in order to establish a "Water and Sewer Enterprise Fund". To become effective July 1, 2006  
Accepted April 30, 2005

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Gen Laws Chapter 59, Sect.5 Clause 41C to take effect FY2006 to accept the following provisions to adjust the age, income and asset requirements seniors must meet to qualify for the exemption and the amount of the exemption granted to an eligible senior.

Accepted April 30, 2005

Gen Laws Chapter 143 Sect. 3Z. "refines and updates the job description of the current position so as to more stringently comply with the technical statutory requirements of the Commonwealth.

Accepted April 30, 2005